IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2006

CORAM

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

C.R.P(PD)No.584 of 2006 and
C.M.P.No.5600 of 2006

Suseelarani ... Petitioner

Versus

Marimuthu ... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal orders dated 07.06.2005 passed in I.A.No.212 of 2003 in FCOP No.10 of 2001 on the file of the Family Court, Salem.

For Petitioner : Mr.P.Mani
For Respondent : Mr.S.Kalyanaraman

ORDER

This is a revision filed by the wife-petitioner. She is the respondent in FCOP No.10 of 2001 on the file of the Family Court, Salem. She filed IA No.212 of 2003 under Section 24 of the Hindu Marriage Act seeking Rs.3,000/- towards monthly maintenance for herself and her children from the date of petition till the disposal of the main FCOP and also Rs.10,000/- towards litigation expenses from the respondent-husband. The Family Court after finding that an order has been passed by the Judicial Magistrate No.II, Hosur in MC No.1 of 2001, in and by which the respondent-husband was directed to pay Rs.500/- each in favour of his children, dismissed the said petition.

2. Heard the learned counsel for the petitioner as well as the respondent.

3. It is not in dispute that the respondent-husband is employed as an Extension Officer(Admn.) in the Block Development Office. In view of the fact that the petitioner is also employed and getting an income, I am satisfied that no amount need be paid to her. However, it is brought to my notice that among the two children, the first is a daughter aged about 15 years, studying in 10th standard and the second is a son aged about 9

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years, studying in 4th standard. Taking note of their age and the classes in which they are studying, I am of the view that ends of justice would be met by directing the respondent to pay a further sum of Rs.500/- each to his children from the date of petition till the disposal of the main O.P. To this extent, the Civil Revision Petition is ordered. Inasmuch as the FCOP is of the year 2001, the Family Court, Salem is directed to dispose of the same within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

27.10.2006

ORDER:- This Petition having been posted on Saturday the 16th day of December 2006 for being mentioned subsequent to the order of this Court dated 27.10.2006 and made herein and in the presence of Mr. P.Mani Advocate for the petitioner and of Mr. S. Kalyanaraman, Advocate for the Respondents the court made the following order:-

At the instance of the counsel for petitioner, the above revision is posted to day for 'Being Mentioned".

2. It is brought to my notice that though the petitioner has claimed a sum of Rs.10,000/- (Rupees ten thousand only) towards litigation expenses from the respondent/husband, no order has been made with regard to the same.

3. Considering the grievance expressed by the petitioner, in addition to the direction of this Court in order dated 27.10.2006. I am of the view that ends of justice would be met by directing the respondent/husband to pay a sum of Rs.5,000/- (Rupees five thousand only) towards litigation expenses to the petitioner.

To this extent, the earlier order of this Court dated 27.10.2006 is clarified.

16.12.2006

Sd/
Asst.Registrar

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/true copy/

Sub Asst.Registrar

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To

The Judge,
Family Court, Salem.

1 cc To Mr.S.Kalyanaraman, Advocate, SR.63313
1 cc To Mr.P.Mani, Advocate, SR.63292

NTK(CO)
RVL 24.11.2006
NM (21.12.2006)

C.R.P. PD. No.584 of 2006

HIGH COURT OF JUDICATURE MADRAS
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